

Docket No.: 072995-0015



06 FEB 2006
PATENT

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer No.: 33401
Neil FREEBAIRN et al. : Confirmation No.: 5285
Serial No.: 10/529,920 : Group Art Unit: Unknown
Filed: April 1, 2005 : Examiner: Unknown
For: COMMUNICATIONS NODE

CERTIFICATE OF MAILING (37 CFR. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 31, 2006.

Anita Chou

PETITION UNDER 37 C.F.R. §1.47

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Requirements dated August 31, 2005, in addition to the response filed on this date (copy herewith), Applicants hereby petition as follows:

A. ALL AVAILABLE JOINT INVENTORS

In accordance with MPEP § 409.03(a), all the available joint inventors, Neil Freebairn, declare that the remaining inventor Roger William Stuart Lewis is unavailable as defined by MPEP §409.03 because he refuses to execute the application. The available joint inventor, Neil Freebairn, therefore, declares on behalf of Roger Lewis as required by 37 CFR § 1.64.

RECEIVED
29 JUN 2006

Legal Staff
International Division

Adjustment date: 08/23/2006 SBASHEIR 10529920
01 FC:1463 200.00 DA

BEST AVAILABLE COPY
-1-

B. PROOF OF REFUSAL

In accordance with MPEP §409.03(d), Dr. Justin Hill, submits an affidavit, attached, that fully describes the exact facts, which are relied upon to establish that a diligent effort was made to contact Roger Lewis.

C. LAST KNOWN ADDRESS

In accordance with MPEP §409.03(e), the last known addresses of Roger Lewis are 21 Captan Square, London E14 3EU, United Kingdom and 42 Wolsingham Drive, Newton Hall, Durham DH1 5SP, United Kingdom.

D. PETITION FEE

The petition fee of \$130.00 in accordance with 37 CFR 1.117(i) has been authorized to be charged to the deposit account of 501946.

E. CONCLUSION

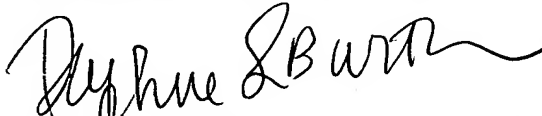
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account, and reference attorney docket 072995-0015.

02/10/2006 MKAYPAGH 00000112 501946 10529920

01 FC:1464 130.00 DA

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Daphne L. Burton
Registration No. 45,323

2049 Century Park East
Suite 3400
Los Angeles, CA 90067
Telephone: (310)277-4110
Facsimile: (310)277-4730
Date: January 31, 2006

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Freebairn et al.

Serial No.: 10/529,920


Filed: April 1, 2005

For: Communications Node

Group Art Unit:
Unassigned

**CERTIFICATE OF MAILING (37 C.F.R. §
1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to, Mail Stop: PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 31, 2006.


Anita Chou

Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**LETTER IN RESPONSE TO NOTIFICATION TO
FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

Dear Sir:

Transmitted herewith to the Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office, mailed on August 31, 2005 are:

- ☒ A Copy of Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (2 pages)
- ☒ An Executed Declaration and Petition for Patent Application (2 pages)
- ☒ A Statement Under 37 C.F.R. §3.73(b) (1 page)
- ☒ A Power of Attorney (1 page)
- ☒ An Information Disclosure Statement with PTO 1449 and 3 documents
- ☒ An extension of time to respond for 3 months is hereby requested.

The present application qualifies for Small Entity Status under 37 C.F.R. §1.27.

The fee has been calculated as shown below:

	FEES
Surcharge Fee	\$65
Three Months (3) Extension Fee	\$510
TOTAL	\$ 575.00

☒ Please charge my Deposit Account No. 50-1946 the amount of \$575.00 for the above-identified fees. A duplicate copy of this sheet is enclosed.

☒ We authorize the Commissioner to charge Deposit Account No. 50-1946 for payment of any additional fees required by this response or to credit any overpayment to the account.

Respectfully submitted,

January 31, 2006
Date

Daphne L. Burton
Daphne L. Burton
Registration No. 45,323

MCDERMOTT WILL & EMERY LLP
2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110
Facsimile: (310) 277-4730



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/529,920	Neil Freebairn	072995-0015

INTERNATIONAL APPLICATION NO.
PCT/GB02/04499

I.A. FILING DATE	PRIORITY DATE
10/04/2002	10/04/2001

33401
MCDERMOTT, WILL & EMERY (LOS ANGELES OFFICE)
2049 CENTURY PARK EAST
34TH FLOOR
LOS ANGELES, CA 90067-3208

CONFIRMATION NO. 5285
371 FORMALITIES LETTER
OC000000016896895
OC000000016896895

Date Mailed: 08/31/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated /Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/01/2005
- Preliminary Amendments filed on 04/01/2005
- U.S. Basic National Fees filed on 04/01/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/529,920	PCT/GB02/04499	072995-0015

FORM PCT/DO/EO/905 (371 Formalities Notice)

Client/Matter No. _____
Sent to Calendar _____
Calendared **IKE** 7/7/05

DECLARATION AND PETITION

As a below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention COMMUNICATIONS NODE, the specification of which was filed on April 1, 2005 and assigned application serial no. 10/529,920.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

PRIOR FOREIGN APPLICATION(S)

Number	Country	Filing Date	Priority Claimed?
PCT/GB2002/004499	PCT	October 4, 2002	Yes

PRIOR UNITED STATES PROVISIONAL APPLICATIONS

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date	Status
NONE		

PRIOR UNITED STATES APPLICATION(S)

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

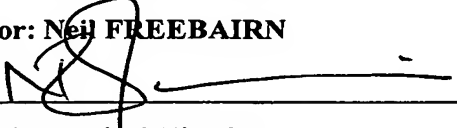
Application Serial No.	Filing Date	Status
NONE		

We hereby declare: All statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore we pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, and this petition.

Full name of first inventor: Neil FREEBAIRN

Inventor's signature  Date 1/31/06

Residence: London, United Kingdom

Citizenship: United Kingdom

Post Office Address: 10 The Piano Factory
36-38 Peckham Road
London SE5 8GB
United Kingdom

Full name of second inventor: Roger William Stuart LEWIS

Inventor's signature _____ Date _____

Residence: Durham, United Kingdom

Citizenship: South Africa

Post Office Address: 42 Wolsingham Drive
Newton Hall
Durham DH1 5SP
United Kingdom

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: NEWNEW NETWORKS INNOVATIONS LIMITEDApplication No./Patent No.: 10/529,920Filed/Issue Date: April 1, 2005Entitled: COMMUNICATIONS NODENEWNEW NETWORKS, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

1/31/06
Date

NEIL FREEBORN
Typed or printed name
[Signature]
Signature
DIRECTOR
Title

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/529,920
Filing Date	April 1, 2005
First Named Inventor	FREEBAIRN, Neil
Title	COMMUNICATIONS NODE
Art Unit	Not known
Examiner Name	Not known
Attorney Docket Number	72995-015

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

33401

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

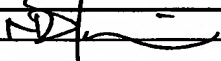
<input type="checkbox"/> Firm or Individual Name				
Address				
City		State		Zip
Country				
Telephone		Fax		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	1-31-06
Name	NEIL FREEBAIRN	Telephone	
Title and Company	DIRECTOR, NEWNEW NETWORK INNOVATIONS LTD.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****CERTIFICATE OF MAILING**

I hereby certify that on January 7, 2006, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Anita Chou

Applicant: FREEBAIRN, Neil et al.**Serial No.:** 10/529,920**Filed:** April 1, 2005**(I.A. Filing Date:** 10/04/2002)**Title:** COMMUNICATIONS NODE**Atty. Docket No.** 72995-015**Confirmation No.:** 5285**Examiner:** Unknown**Group Art Unit:** 2157

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We are enclosing copies of only the non-United States patent documents.

This Information Disclosure Statement is being submitted:

- ☒ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;
- ☐ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

- ☐ (a) A statement that either:
 - (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;OR
 - (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;OR
 - ☐ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
- ☐ (a) A statement that either:
 - (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;OR
 - (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
 - ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to

Deposit Account No. 501946 referencing order number **72995-015**.

January 31, 2006



Daphne L. Burton, Reg. No. 45,323
Attorney for Applicant

MCDERMOTT WILL & EMERY LLP
2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110
Fax: (310) 277-4730

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/529,920
				Filing Date	Filed April 1, 2005 I.A. Filing Date: 10/04/2002
				First Named Inventor	FREEBAIRN, Neil
				Confirmation No.	5285
				Art Unit	Not known
				Examiner Name	Not known
Sheet 1	✓	of 1	Attorney Docket Number 72995-015		

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	1	US-5,537,403	07-16-1996	CLOONAN, Thomas J. et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
	2	GB 2,126 843 A	03-28-1984	WESTERN ELECTRIC CO.	N/A

OTHER PRIOR ART – NONPATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s); publisher, city and/or country where published	T ²
	3	SIEMENS: "UMTS Opening Up a World of Opportunities" 1999, XP002193759, retrieved from the Internet: <URL:http://www2-siemens-no/multimedia/archive/00050/umts50271a.pdf. Retrieved March 20, 2002.	N/A
	4	International Search Report for PCT/GB02/04499 (priority application), dated March 7, 2003.	N/A

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Docket No.: 072995-0015

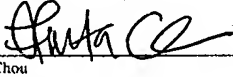
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer No.: 33401
Neil FREEBAIRN et al. : Confirmation No.: 5285
Serial No.: 10/529,920 : Group Art Unit: Unknown
Filed: April 1, 2005 : Examiner: Unknown
For: COMMUNICATIONS NODE

CERTIFICATE OF MAILING (37 CFR. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail as First Class Mail under 37 CFR § 1.8(a) in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 31, 2006.


Anita Chou

AFFIDAVIT OF DR. JUSTIN HILL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1) My name is Justin Hill. I am a European Patent Attorney in the law firm of McDermott Will & Emery UK LLP, based in its London office. McDermott, Will & Emery LLP has been given power of attorney to prosecute the above-referenced application on behalf of NewNew Networks Innovations Ltd. (hereinafter "NewNew").

2) Roger Lewis is a co-inventor on the above-referenced application. After the application was filed, I sent to Roger Lewis correspondence on or about June 1, 2005, enclosing a declaration and assignment for the above-referenced application (appended as Exhibit 1). Before sending this June 1 letter, I had phoned Mr. Lewis to confirm his address. During this telephone conference, he had informed me that his address was 21 Captan Square, London E14 3EU. Earlier, his address had been presented as 42 Wolsingham Drive, Newton Hall, Durham DH1 5SP, Great Britain.

3) On or about June 16, 2005, I sent Mr. Lewis a second letter wherein I again requested his signature (appended as Exhibit 2). In this second letter, I indicated to Mr. Lewis that if I did not hear from him one way or the other by June 25, 2005, the lack of response would be interpreted as a refusal to sign. On or about June 27, 2005, I received an e-mail transmission from Mr. Lewis (appended as Exhibit 3). In this transmission, Mr. Lewis informed me that he would not

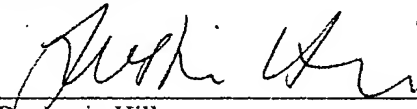
be signing the papers presented to him on behalf of NewNew. NewNew is the assignee of the present application.

4) Mr. Lewis has indicated his express refusal to sign the declaration and assignment after two written requests.

5) Mr. Lewis executed an Assignment of Application for Patent on October 5, 2004 (appended hereto as Exhibit 4). That agreement provides, in pertinent part, that Patent Cooperation Treaty application number GB02-04499 has been assigned to NewNew Networks. The instant national phase application claims priority to PCT/GB02/04499.

6) I certify that the foregoing statements are true and correct.

Dated: 31 JAN 2006



Dr. Justin Hill
European Patent Attorney
McDermott Will & Emery UK LLP

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C

Justin Hill
juhill@europe.mwe.com
+44(0) 20 7577 6943

Our Ref: 600894PWO/JH/DG

Roger Lewis
21 Captan Square
London E14 3EU

1 June 2005

Dear Roger

Re: National Phase Applications based on PCT/GB2002/004499

Further to our recent telephone discussions, I enclose herewith the following documents for your execution:-

Canada - Assignment
China - Assignment
United States - Assignment and Declaration and Petition

Please sign and date the documents where indicated and return to me as soon as possible.

These documents merely confirm the fact you have assigned rights in the international patent application formerly in the name of Geofabric Systems to NewNew Networks Innovations Limited (and therefore each recites the number of the original PCT filing, namely PCT Application No PCT/GB2002/004499).

I also enclose herewith a copy of a letter which on the assumption it meets your requirements I will send to you on receipt of the above executed documents.

Please let me know if you have any queries in respect of the above.

Yours sincerely



Dr Justin J Hill
Director of IP Prosecution

Enc

LND99 361397-1.072995.0010

McDermott Will & Emery UK LLP is a limited liability partnership regulated by the Law Society and registered in England and Wales, registered number OC311809. The members are solicitors or registered foreign lawyers. A list of members' names and their professional qualifications is available for inspection at the principal place of business and registered office shown below.

7 Bishopsgate London EC2N 3AR DX 42619 Cheapside Telephone: +44(0) 20 7577 6900 Facsimile: +44(0) 20 7577 6950 www.mwe.com

ASSIGNMENT

We, NEIL FREEBAIRN and ROGER WILLIAM STUART LEWIS, whose full post office addresses are 10 The Piano Factory, 36-38 Peckham Road, London SE5 8GB and 42 Wolsingham Drive, Newton Hall, Durham DH1 5SP, Great Britain for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby sell and assign to NEWNEW NETWORKS INNOVATIONS LIMITED, whose full post office address is 10 The Piano Factory, 36-38 Peckham Road, London SE5 8GB, United Kingdom, all our interest in Canada in and to our invention relating to COMMUNICATIONS NODE FOR CIRCUIT-SWITCHED AND PACKET-SWITCHED SERVICES as fully described and claimed in the application for a patent for such invention filed in Canada by the said NEWNEW NETWORKS INNOVATIONS LIMITED effectively on 4th day of October, 2002 under Serial No. PCT/GB2002/004499 as a PCT application designating Canada and which entered the Canadian national phase on day of , and all our corresponding right, title and interest in and to any patent which may issue therefor; this assignment to have effect as of 4th day of October, 2002.

DATED
this day of , 2005.

WITNESS

NEIL FREEBAIRN

DATED
this day of , 2005.

WITNESS

ROGER WILLIAM STUART LEWIS

申请权转让合同

兹有转让方的专利申请:

专利申请号: _____ 专利申请日: _____ 年 _____ 月 _____ 日

专利申请名称: _____

愿将上述专利申请的权益转让给受让方。

转让方(原专利申请人)(签章)

受让方(签章):

转让方法人代表(签章):

受让方法人代表(签章):

年 月 日

年 月 日

ASSIGNMENT CONTRACT

I/We, the assignor, the owner of the application:

Application Number: PCT/GB2002/004499 Filing Date: 4 October 2002

Title: _____

do hereby assign all/part() of our share to the rights and interests in relation to the above identified application in the People's Republic of China to the assignee as listed below.

By Assignor:

By Assignee:

Signature of the Legal
Representative of the Assignor:

Signature of the Legal
Representative of the Assignee:

Dated this: _____ Dated this: _____

ASSIGNMENT

(Joint Inventors)

WHEREAS, we, Neil Freebairn and LEWIS, Roger William Stuart, ("ASSIGNORS") have invented "COMMUNICATIONS NODE" ("Invention"), for which an application for patent ("Application") has been filed in the United States, Application Serial No. 10/529,920, filed April 1, 2005, which is a national phase conversion of PCT/GB2002/004499;

WHEREAS, we are the joint inventors of the Invention;

WHEREAS, NEWNEW NETWORKS INNOVATIONS LIMITED, ("ASSIGNEE") is a corporation organized and existing under the laws of the United Kingdom, having a place of business at 10 The Piano Factory, 36-38 Peckham Road, London SE5 8GB, Great Britain;

WHEREAS, ASSIGNEE desires to acquire the entire right, title and interest in and to the Invention and Application and to all patents based on the Application;

NOW, THEREFORE, for valuable consideration, the receipt and legal sufficiency of which ASSIGNORS acknowledge, ASSIGNORS have and hereby do assign and transfer to ASSIGNEE, its successors and assigns, the entire right, title and interest in and to:

1. The Invention;
2. The Application;
3. All applications based on or claiming priority from the Application, including all divisionals and continuations ("Application Family");
4. All patents which may be granted on the Invention, Application and Application Family by the United States of America, its territories and possessions, and by all foreign countries, including all priority rights and all reissues thereof ("Patents"); and
5. The right to sue for past infringement of the Invention, Application, Application Family and Patents.

ASSIGNORS agree, at the request of ASSIGNEE, to sign any and all papers reasonably needed to file and prosecute the Application and Application Family, to obtain the Patents, and to perfect and vest in ASSIGNEE the entire right, title and interest in the Invention, Application, Application Family and Patents. ASSIGNORS also agree to provide assistance that is reasonably needed to prepare and prosecute the Application and Application Family.

ASSIGNORS authorize and empower ASSIGNEE, its successors and assigns, to apply for and obtain, in its own name, the Application, Application Family and Patents before competent International Authorities, including the World Intellectual Property Organization and in any and all foreign countries in which applications for patents can be made or patents obtained.

10/529,920

72995-015

Dated: _____, 2002

Name: Neil FREEBAIRN
Address: 10 The Piano Factory
36-38 Peckham Road
London SE5 8GB
Great Britain

Witness (Signature)

Witness (Signature)

Witness (Print or Type Name)

Witness (Print or Type Name)

Witness Address (Print or Type)

Witness Address (Print or Type)

Dated: _____, 2002

Name: Roger William Stuart LEWIS
Address: 42 Wolsingham Drive
Newton Hall
Durham DH1 5SP
Great Britain

Witness (Signature)

Witness (Signature)

Witness (Print or Type Name)

Witness (Print or Type Name)

Witness Address (Print or Type)

Witness Address (Print or Type)

DECLARATION AND PETITION

As a below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention COMMUNICATIONS NODE, the specification of which was filed on April 1, 2005 and assigned application serial no. 10/529,920.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

PRIOR FOREIGN APPLICATION(S)

Number	Country	Filing Date	Priority Claimed?
PCT/GB2002/004499	PCT	October 4, 2002	Yes

PRIOR UNITED STATES PROVISIONAL APPLICATIONS

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date	Status
NONE		

PRIOR UNITED STATES APPLICATION(S)

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
NONE		

We hereby declare: All statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore we pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, and this petition.

Full name of first inventor: Neil FREEBAIRN

Inventor's signature _____ Date _____

Residence: London, United Kingdom

Citizenship: United Kingdom

Post Office Address: 10 The Piano Factory
36-38 Peckham Road
London SE5 8GB
United Kingdom

Full name of second inventor: Roger William Stuart LEWIS

Inventor's signature _____ Date _____

Residence: Durham, United Kingdom

Citizenship: South Africa

Post Office Address: 42 Wolsingham Drive
Newton Hall
Durham DH1 5SP
United Kingdom



<roger.lewis@geofab.com>

09/06/2005 15:20

To: <juhill@europe.mwe.com>
cc: <roger.lewis@geofab.com>
Subject: without prejudice

Justin,

Thanks for our recent telephone conversation where you insisted that you have not reneged on your agreement to confirm your write-off of GeoFabric Systems Ltd. debt to MWE as per your draft letter.

I can confirm the contents of the copy you sent me are acceptable, please forward your final copy on letterhead as requested. I cannot see any reason you wouldn't want to go ahead with this since it increases the chances that I will sign the other patent related papers you mailed to me on behalf of NewNew, leading to your ability to continue working for NewNew as you said.

On receipt of the above I will attempt to get the same from the other creditor who seems to be acting on some 3rd party's instructions by reneging on their agreement to confirm their write-off. If I succeed in getting the company into a position where no other 3rd party can influence any of its creditors, I will gladly sign NewNew's forms. In my opinion neither NewNew or its members should be assisted with their apparent desire to have any influence over GeoFabric Systems Ltd. Please let me know if you don't agree.

Kindly let me know by return whether you will keep to your agreement or not. Following our telephone conversation of 18th April, my records indicate that you sought and gained your partners agreement for our request.

All I wish to accomplish is to tidy up GeoFabric Systems affairs. I am both surprised and disappointed with your attempt to get my signature for NewNew's papers in return for your letter after your firm agreed to providing the letter without any conditions.

Roger Lewis

--

Roger W. Lewis
M: 07710 023 011
T: 08701 996 260

THIS E-MAIL FROM GEOFAB IS INTENDED SOLELY FOR THE NAMED RECIPIENT. The information contained in this e-mail is confidential.

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C

Justin Hill
juhill@europe.mwe.com
+44(0) 20 7577 6943

Our Ref: JH/PA/072995-015 (600862PUS)

PRIVATE AND CONFIDENTIAL

BY POST

Roger Lewis
21 Captan Square
London
E14 3EU

2ND LETTER

16 June 2005

Dear Roger

Re: National Phase Applications based on PCT/GB2002/004499
United States – Assignment and Declaration and Petition
Canada – Assignment
China – Assignment

As you have acknowledged I sent a first letter to you on 1 June 2005 which requested signatures in respect of the above documents relating to patent applications currently being pursued by NewNew Network Innovations Limited, and in respect of which you are named as an inventor. As was explained to you in that letter, and by telephone, these documents relate to patent applications overseas which are derived directly from International Patent Application No. PCT/GB2002/004499, all rights in which you transferred to NewNew Network Innovations Limited by way of a Deed of Assignment dated 5 October 2004 in the presence of your witness Naomi Hood, Solicitor. This assignment dealt with transfer of the whole of the International Patent Application, in it you understood not to do anything which might be prejudicial to the rights transferred and you specifically warranted to take all reasonable steps necessary in the preparation and delivery of patent applications derived therefrom.

Accordingly, we are now merely asking for your co-operation in line with the warranties you gave in the above mentioned assignment document. Failure to promptly meet your obligations under the above-mentioned assignment document could materially damage the prospects of each application mentioned above and others. I presume you would wish to avoid this.

I am duty bound to point out that you are not assigning away any ownership rights not already covered by the above-mentioned assignment document, and there ought to be no reason for you to object. I realise you are not well versed in these procedures and that such may seem somewhat foreign to you. If you are in any doubt I suggest you have your own advisor confirm what is being proposed in this letter.

McDermott Will & Emery UK LLP is a limited liability partnership regulated by the Law Society and registered in England and Wales, registered number OC311909. The members are solicitors or registered foreign lawyers. A list of members' names and their professional qualifications is available for inspection at the principal place of business and registered office shown below.

7 Bishopsgate London EC2N 3AR DX 42619 Cheapside Telephone: +44(0) 20 7577 6900 Facsimile: +44(0) 20 7577 6950 www.mwe.com

We hereby request that you either:

1. Indicate a willingness to co-operate by returning to me by post the attached documents duly signed by you, in the presence of a witness where necessary; or
2. Indicate in writing your refusal to sign these documents, setting out which documents in particular you refuse sign (if not all of them).

If you do not respond one way or the other by **25 June 2005**, we will have to interpret the lack of response as a refusal to sign.

Enclosed here for your reference is a complete copy of the application as it was filed together with a copy of the necessary forms so that you can be absolutely sure what this matter concerns in all aspects.

Thank you in advance for your assistance.

Please do not hesitate to contact me if you have any queries.

Yours sincerely



Dr. Justin Hill
Director of IP Prosecution

Encs:

LND99 364079-1.072995.0015



<roger.lewis@geofab.com>
27/06/2005 08:34

To <juhill@europe.mwe.com>
cc
bcc
Subject confirmation

Hi Justin,

I wish to confirm that after having taken advice, I will not be signing the papers you presented to me on behalf of NewNew.

I look forward to receipt of your promised letter. Kindly confirm by email once you have mailed this to me.

Roger Lewis
Director

--

Roger W. Lewis
M: 07710 023 011
T: 08701 996 260

THIS E-MAIL FROM GEOFAB IS INTENDED SOLELY FOR THE NAMED RECIPIENT. The information contained in this e-mail is confidential.

ASSIGNMENT OF APPLICATION FOR PATENT

THIS ASSIGNMENT is made the 5TH day of October 2004 BETWEEN GeoFabric Systems Limited (company number 04334408), whose registered office is at 18 Noel Street, London W1F 8GN, (hereinafter called "the Assignor") of the one part, and NewNew Network Innovations Limited (company number 5186843), whose registered office is at 10 The Piano Factory, 36-38 Peckham Road, London SE5 8GB, (hereinafter called "the Assignee") of the other part.

WHEREAS

- (A) The Assignor is entitled to the benefit of the Patent Cooperation Treaty patent application number GB02-04499 (hereinafter referred to as "the Application")
- (B) The parties have agreed that the Application should be transferred by the Assignor to the Assignee for the consideration hereinafter set forth.

NOW THIS AGREEMENT WITNESSETH

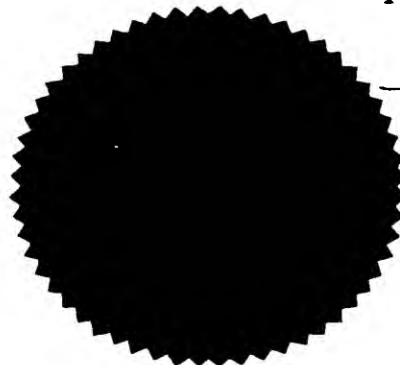
- (1) In consideration of the sum of £12,000 now paid by the Assignee to the Assignor (the receipt whereof is hereby acknowledged) the Assignor with full title guarantee hereby assigns to the Assignee:
 - (i) The Application, the right, title and interest therein and all the rights, powers, privileges and immunities arising or accrued therefrom free from all incumbrances to the intent that the grant of a patent pursuant to the Application shall be in the name of and shall vest in the AssigneeTO HOLD unto the Assignee absolutely.
- (2) The Assignor will not do any act, matter or thing whereby the patent applied for in the Application may be prejudicially affected.
- (3) The Assignor warrants that he has taken all reasonable steps in the preparation and delivery of the Application. However, the Assignor cannot guarantee the quality of the patent and, accordingly, the Assignee should not rely or act upon any information regarding the quality of the patent until he has independently verified its accuracy and validity.
- (4) To the extent permitted by applicable law, the Assignor hereby disclaims any and all warranties, whether express or implied, statutory or otherwise as to the Application including, but not limited to:
 - (i) whether the Application will be accepted by national or other registries;
 - (ii) whether any patent is granted and the Application is valid;
 - (iii) whether the patent granted is enforceable;
 - (iv) whether the patent infringes the rights of any third parties

and, accordingly, the Assignor shall have no liability (save in relation to death or injury arising through its negligence) for any loss or damage howsoever arising and of whatever nature incurred in the use of the patent application or reliance on any information contained on it including, without limitation, any direct, indirect or consequential loss, loss of business, loss of goodwill or loss of profits.

I Certify this Document
to be a true copy
of the Original

14/10/2005

EXECUTION
Certified Verified and Authenticated
In The Town Of Egham In Surrey
This 14th Day of Oct 2005
KENNETH GREENWOOD
NOTARY PUBLIC
HORNE ENGALL AND FREEMAN

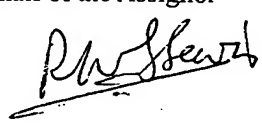
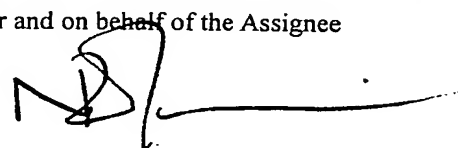
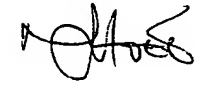
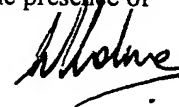
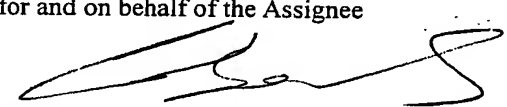
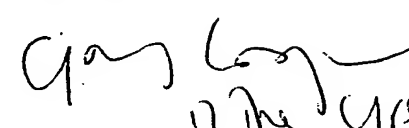


Handwritten signatures and initials, including a large signature and several smaller initials, located in the bottom right corner of the document.

ASSIGNMENT OF APPLICATION FOR PATENT

5) Each party acknowledges and agrees that in entering into this Agreement it does not rely on, and shall have no remedy in respect of, any statement, representation, warranty or understanding (whether negligently or innocently made) of any person (whether party to this Agreement or not) other than as expressly set out in this Agreement. The only remedy available to it for breach of warranties or representations shall be for breach of contract under the terms of this Agreement. Nothing in this clause shall, however, operate to limit or exclude any liability for fraud.

SIGNED, IN WITNESS whereof

<p>for and on behalf of the Assignor</p>  <p>Roger Lewis Director Geofabric Systems Ltd dated 5/10/2004</p>	<p>for and on behalf of the Assignee</p>  <p>Neil Freebairn Director NewNew Network Innovations Ltd dated 5th OCTOBER 2004</p>
<p>In the presence of</p>  <p>NAOMI HOOD SOLICITOR - BRICCA dated 5.10.04</p>	<p>In the presence of</p>  <p>KATRINA HOLME 3 BATTLEDEAN RD LONDON dated 5th OCTOBER 2004</p>
	<p>for and on behalf of the Assignee</p>  <p>Graham Beswick Company Secretary BY ORDER OF THE BOARD NewNew Network Innovations Ltd dated 11/10/04</p>
	<p>In the presence of</p>  <p>17 The Green Brompton Cant dated 11/10/04</p>

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